

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID EVERETT,

Plaintiff,

- v -

CITY OF NEW YORK, et al.,

Defendants.
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ORDER

CV-11-2040 (FB)(VVP)

The defendants have asked the court to sign, and thus “so order,” a subpoena duces tecum addressed to the New York City Housing Authority for evidence that is relevant to this action because that agency’s legal department has informed the defendants that they require a court-ordered subpoena for those records. Although the request, on its own, is not onerous, the court declines to honor it. The Federal Rules of Civil Procedure authorize counsel to issue subpoenas precisely to eliminate the need for the court to be involved in authorizing every subpoena that a party may issue in a civil case. All other non-parties who receive subpoenas signed by counsel, and not by the court, are required to honor the subpoenas. The New York City Housing Authority has offered no reason why it should be afforded any special treatment in that regard, and the court is unaware of any. If that agency fails to honor a properly issued subpoena, the defendants are authorized to seek an order to show cause from this court, and the court will require an appearance by the New York City Housing Authority to explain why they should not be held in contempt.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
July 29, 2011